

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

LENROY MCLEAN,

Defendant.

No. 08-cr-789-7 (RJS)  
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of Defendant Lenroy McLean’s *pro se* letter, dated September 24, 2020, requesting “ministerial records” related to the grand jury impaneled in his case pursuant to 5 U.S.C. § 552 *et seq.*, the Freedom of Information Act (“FOIA”). (Doc. No. 439.) Because the Court is not an “agency” of the United States, *see* 5 U.S.C. § 551(1)(B), it cannot provide McLean with the records he seeks pursuant to FOIA.

To the extent that McLean seeks to make a FOIA request to the United States Department of Justice, he must comply with the FOIA request procedures set forth in the regulations promulgated by the Department. This includes sending his request to the FOIA officer responsible for the particular component of the Department of Justice he believes is most likely to maintain the records he seeks. *See* 28 C.F.R. § 16.3(a)(1) (“The Department has a decentralized system for responding to FOIA requests, with each component designating a FOIA office to process records from that component. . . . To make a request for records of the Department, a requester should write directly to the FOIA office of the component that maintains the records sought.”); *id.* § 16.3(a)(2) (“A requester may also send requests to the FOIA/PA Mail Referral Unit, Justice Management Division, Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530–0001, or via email to MRUFOIA@usdoj.gov, or via fax to (202) 616–6695. The Mail

Referral Unit will forward the request to the component(s) that it determines to be most likely to maintain the records that are sought.”); *see also id.* § 16.3(a)(3) (“A requester who is making a request for records about himself or herself must comply with the verification of identity provision set forth in [28 C.F.R. § 16.41(d)].”).

Accordingly, IT IS HEREBY ORDERED THAT McLean’s request for records pursuant to 5 U.S.C. § 552 *et seq.* is DENIED. The Clerk of Court is respectfully directed to terminate the motion pending at Doc. No. 439 and to mail a copy of this order to McLean.

SO ORDERED.

Dated: November 3, 2020  
New York, New York

A handwritten signature in blue ink, appearing to read 'R. Sullivan', is written over a horizontal line.

RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation